

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

MAY 30 2008

FILED

Syracuse, NY

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**CORNELL UNIVERSITY, a nonprofit New  
York corporation, and CORNELL RESEARCH  
FOUNDATION, INC., a nonprofit New York  
corporation,**

**Plaintiffs,**

**-v-**

**01-CV-1974**

**HEWLETT-PACKARD COMPANY, a  
Delaware corporation,**

**Defendant.**

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**HEWLETT-PACKARD COMPANY, a  
Delaware corporation,**

**Counterclaimant,**

**-v-**

**CORNELL UNIVERSITY, a nonprofit New  
York corporation, and CORNELL RESEARCH  
FOUNDATION, INC., a nonprofit New York  
corporation,**

**Counterdefendants.**

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**Hon. Randall R. Rader, Circuit Judge, United States Court of Appeals for the Federal  
Circuit, sitting by designation:**

**VERDICT FORM**

This is the verdict form. It contains all of the questions set forth in the Jury Instructions.

Once you have reached unanimous agreement on a verdict, the foreperson must fill in this verdict form, sign and date it, and advise the court that you have reached a verdict.

**Question No. 1.** Has Cornell proven by a preponderance of the evidence that Hewlett-Packard directly infringes any claim of the '115 patent either literally or under the doctrine of equivalents?

YES  (For Cornell)

NO  (For Hewlett-Packard)

*If you answered "Yes" to this question, you must answer Question 2.*

*If you answered "No" to this question, skip to Question 3 (Indirect Infringement: Active Inducement).*

**Question No. 2.** Please check all claims of the '115 patent that you find Hewlett-Packard directly infringes, either literally or under the doctrine of equivalents.

Claim 1

Claim 6

Claim 14

Claim 15

Claim 18

**Question No. 3.** Has Cornell proven, by a preponderance of the evidence, that HP induces others to infringe any claim of the '115 patent, either literally or under the doctrine of equivalents?

YES  (For Cornell)

NO  (For Hewlett-Packard)

*If you answered "Yes" to this question, you must answer Question 4.*

*If you answered "No" to this question, skip to Question 5 (Indirect Infringement: Contributory Infringement).*

**Question No. 4.** Please check all the claims of the '115 patent that you find Hewlett-

Packard induces others to infringe, either literally or under the doctrine of equivalents.

Claim 1

Claim 6

Claim 14

Claim 15

Claim 18

**Question No. 5.** Has Cornell proven, by a preponderance of the evidence, that Hewlett-

Packard contributes to the infringement by others of any claim of the '115 patent, either literally or under the doctrine of equivalents?

YES  (For Cornell)

NO  (For Hewlett-Packard)

*If you answered "Yes" to this question, you must answer Question 6.*

*If you answered "No" to this question, skip to Question 7 (Validity: Written Description).*

**Question No. 6.** Please check all the claims of the '115 patent of which you find Hewlett-

Packard contributes to infringement by others, either literally or under the doctrine of equivalents.

Claim 1

Claim 6

Claim 14

Claim 15

Claim 18

**Question No. 7.** Has Hewlett-Packard proven, by clear and convincing evidence, that any claim of the '115 patent is invalid for failure to satisfy the written description requirement?

YES \_\_\_\_\_ (For Hewlett-Packard)

NO  (For Cornell)

**Question No. 8.** Has Hewlett-Packard proven, by clear and convincing evidence, that any claim of the '115 patent is invalid for failure to satisfy the enablement requirement?

YES \_\_\_\_\_ (For Hewlett-Packard)

NO  (For Cornell)

**Question No. 9.** Has Hewlett-Packard proven, by clear and convincing evidence, that any claim of the '115 patent is invalid as anticipated by the Tjaden Master's Thesis or the Tjaden-Flynn Article?

YES \_\_\_\_\_ (For Hewlett-Packard)

NO  (For Cornell)

*If you answered "Yes" to this question, you must answer Question 10.*

*If you answered "No" to this question, skip to Question 11 (Patent Exhaustion and Implied License).*

**Question No. 10.** Please check the claims of the '115 patent that you find are invalid as anticipated by the Tjaden Master's Thesis or the Tjaden-Flynn Article.

Claim 1 \_\_\_\_\_

Claim 6 \_\_\_\_\_

Claim 14 \_\_\_\_\_

Claim 15 \_\_\_\_\_

Claim 18 \_\_\_\_\_

**Question No. 11.** Has Hewlett-Packard proven, by a preponderance of the evidence, that damages for the PA-8500 or PA-8600 should be reduced for patent exhaustion and or because Hewlett-Packard had an implied license?

YES \_\_\_\_\_ (For Hewlett-Packard)

NO  (For Cornell)

**Question No. 12.** Has Hewlett-Packard proven, by a preponderance of the evidence, that damages for the PA-8700, PA-8750, PA-8800 or PA-8900 should be reduced for patent exhaustion and or because Hewlett-Packard had an implied license?

YES \_\_\_\_\_ (For Hewlett-Packard)

NO  (For Cornell)

**Question No. 13.** If you find any claim of the '115 patent to be infringed and valid, state the amount of damages, if any, in the form of a reasonable royalty you find Cornell has proven by a preponderance of the evidence, including the appropriate royalty base and royalty rate to be applied.

\$ 23,005,506,034 Royalty Base  
x (times) % 0.8 Royalty Rate  
= \$ 184,044,048 Damages

**Question No. 14.** Has Cornell proven, by clear and convincing evidence, that Hewlett-Packard has willfully infringed the '115 patent?

YES \_\_\_\_\_ (For Cornell)  
NO ✓ (For Hewlett-Packard)

May 30, 2008  
Syracuse, NY

  
Jury Foreperson